

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK EIMERS,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 12-113 Erie
v.	)	
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

This social security action was received by the Clerk of Court on May 8, 2012 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 18], filed on March 19, 2013, recommended that: the Plaintiff's Motion for Summary Judgment [ECF No. 10] be denied, the Defendant's Motion for Summary Judgment [ECF No. 14] be granted, and the decision of the administrative law judge ("ALJ") be affirmed. The parties were allowed fourteen (14) days from the date of service to file objections, and Plaintiff filed Objections on April 2, 2013 [ECF No. 19]. After de novo review of the documents in the case, together with the Report and Recommendation and Objections thereto, the following Order is entered:

AND NOW, this 29<sup>th</sup> day of April, 2013;

IT IS HEREBY ORDERED that the Plaintiff's Motion for Summary Judgment [ECF No. 10] is DENIED, the Defendant's Motion for Summary Judgment [ECF No. 14] is GRANTED, and the decision of the ALJ is hereby AFFIRMED.

JUDGMENT is hereby entered in favor of Defendant, Michael J. Astrue, Commissioner of Social Security, and against Plaintiff, Frederick Eimers.

The Report and Recommendation [ECF No. 18] of Magistrate Judge Baxter, filed on March 19, 2013, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge